IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 207/2004

RAISA Vs. JAKIR AHMED

DATE: 08.05.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. Subhash Jain for the petitioner.
Mr. Sunit Awasthi for the respondent.

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The present criminal revision petition under Section 397 r/w Section 401 Cr.P.C. is preferred by the petitioner-wife against the judgment dated 20.01.2004 passed by the Family Court No.1, Jaipur in Case No. 222/2000.

Learned counsel for the petitioner referred a judgment rendered by the Hon'ble Supreme Court in the case of **Shamim Ara Vs. State of U.P. And Anr., 2002 VIII Apex Decisions (SC) 321.**

Having considered the rival submissions of the respective parties and upon careful perusal of the impugned judgment dated 20.01.2004, it appears that divorce proof was not given and it is alleged that divorce was given through telegram.

Be that as it may, without entering into the merits of the case as both the learned counsels

appearing for the respective parties are agreed that the matter may be remanded back to the Family Court for fresh adjudication in view of the latest proposition of law laid down by the Hon'ble Supreme Court in the aforementioned case, the impugned judgment dated 20.01.2004 passed by the Family Court No.1, Jaipur is herewith quashed and set-aside and the matter is remanded back to the Family Court for fresh adjudication and decide the application under Section 125 Cr.P.C. in accordance with the provisions of law. The parties are given liberty to represent their case before the Family Court.

The revision petition stands disposed of accordingly.

Both the learned counsels for the respective parties are agreed that they may appear before the Family Court on 31.05.2007.

(K.S. RATHORE),J.

/KKC/